



# PUBLIC NOTICE

**FEDERAL COMMUNICATIONS COMMISSION**  
**445 12th STREET, S.W.**  
**WASHINGTON, D.C. 20554**

News Media Information: (202) 418-0500  
Fax-On-Demand: (202) 418-2830  
Internet: <http://www.fcc.gov>  
<ftp.fcc.gov>

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## **ENFORCEMENT BUREAU FIELD OFFICES LIST OF NOTICES OF APPARENT LIABILITY ISSUED**

The following is a list of Notices of Apparent Liability issued by the Enforcement Bureau's Field Offices during the period July 1, 2002 through July 31, 2002. During that period, the Field Offices issued 32 Notices of Apparent Liability ("NALs") in amounts totaling \$ 266,000 for violations of the Communications Act of 1934, as amended, 47 U.S.C. § 151, *et seq.*, and/or the FCC's rules. As detailed below, of the 32 NALs issued, 24 involved violations of the Commission's safety-related rules (*e.g.*, antenna structure, AM station fencing requirements and Emergency Alert System). The Commission cautions licensees and antenna structure owners that the Commission takes compliance with these rules seriously. Failure to comply with these rules may result in significant enforcement actions.

**This list is provided for information purposes and does not provide parties with additional rights. Parties wishing to make a payment or file a response to a NAL must do so in accordance with the instructions and by the deadline set forth in the NAL.**

### **Communications Act**

- 47 U.S.C. § 301 – Unauthorized Operation
  - *Homere Hyppolite, Naples, FL. \$10,000 NAL.* Tampa, FL District Office (7/15/02).
  - *Rev. Yvon Louis, Brooklyn, NY. \$10,000 NAL.* New York, NY District Office (7/23/02).

### **47 C.F.R. Part 1 – Practice and Procedure**

- 47 C.F.R. § 1.5 – Mailing Address Furnished By Licensee
  - *MariTel Mississippi River, Inc., Washington, DC. \$7,000 NAL.* Other violation: 47 C.F.R. § 80.90 (Suspension of Transmission). New Orleans, LA District Office (7/3/02).
- 47 C.F.R. § 1.903 – Authorization Required
  - *TeleBEEPER of New Mexico, Inc. \$3,000 NAL.* Dallas, TX District Office (7/9/02).

### **47 C.F.R. Part 11 – Emergency Alert System (EAS) Rules**

- 47 C.F.R. § 11.35 – Equipment Operational Readiness

- **Adelphia Communications Corporation, Coudersport, PA. \$8,000 NAL.** Atlanta, GA District Office (7/18/02).
- **L.T. Simes II & Raymond Simes, KAKJ(FM), West Helena, AR. \$15,000 NAL.** Other violations: 47 C.F.R. §§ 17.4(a) (Antenna Structure Registration) and 73.1350 (Transmission System Operation). New Orleans, LA District Office (7/22/02).
- **Rotijefco, Inc., Santa Barbara, CA. \$8,000 NAL.** Los Angeles, CA District Office (7/26/02).
- **Smith Broadcasting of Santa Barbara, LP, Santa Barbara, CA. \$8,000 NAL.** Los Angeles, CA District Office (7/26/02).
- **Lighthouse Broadcasting, Canon, GA, licensee of WBIC(AM) in Royston, GA. \$12,000 NAL.** Other violation: 47 C.F.R. § 73.1745 (Unauthorized Operation). Atlanta, GA District Office (7/30/02).
- **Blue Skies Broadcasting Corp., KSKT-CA, San Marcos, CA. \$15,000 NAL.** Other violations: 47 C.F.R. § 73.683 (Field Strength Contours and Presumptive Determination of Field Strength at Individual Locations). San Diego, CA District Office (7/31/02).
- 47 C.F.R. § 11.61 (Tests of EAS Procedures)
  - **Adelphia Communications, Huntington, WV. \$2,000 NAL.** Columbia, MD District Office (7/19/02).
  - **Pacific Broadcasting Company, Santa Barbara, CA. \$2,000 NAL.** Los Angeles, CA District Office (7/30/02).

#### **47 C.F.R. Part 17 – Construction, Marking & Lighting of Antenna Structures**

- 47 C.F.R. § 17.4(a) – Antenna Structure Registration
  - **Community Broadcast Group, Inc., Tyler, TX. \$3,000 NAL.** Dallas, TX District Office (7/1/02).
  - **Morris Communications, Inc., Adrian, SC. \$3,000 NAL.** Atlanta, GA District Office (7/8/02).
  - **US Cable of Coastal Texas L.P., Paris, MO. \$6,000 NAL.** Kansas City, MO District Office (7/17/02).
  - **MSA Development Group, Inc., Pleasanton, CA. \$3,000 NAL.** Dallas, TX District Office (7/23/02).
  - **Sutro Corporation c/o John H. Runkle, Payette, Idaho. \$3,000 NAL.** Portland, OR Resident Agent Office (7/31/02).
- 47 C.F.R. § 17.4(g) – Post of Antenna Structure Registration Numbers
  - **Titan Towers, L.P., Abilene, TX. \$3,000 NAL.** New Orleans, LA District Office (7/22/02).
  - **Qwest Corporation, Littleton, CO. \$2,000 NAL.** Kansas City, MO District Office (7/24/02).
- 47 C.F.R. § 17.50 – Cleaning and Repainting
  - **Pinnacle Towers, Inc., Sarasota, FL. \$20,000 NAL.** Tampa, FL District Office (7/9/02).

- ***Pinnacle Towers, Inc., Sarasota, FL. \$20,000 NAL.*** Kansas City, MO District Office (7/22/02).
- ***Missouri RSA No. 2 Partnership, d.b.a. Alltel, Little Rock, AR. \$10,000 NAL.*** Kansas City, MO District Office (7/24/02).
- ***Verizon Wireless d.b.a. Des Moines MSA General Partnership, Alpharetta, GA. \$10,000 NAL.*** Kansas City, MO District Office (7/24/02).
- **47 C.F.R. § 17.51 – Time When Lights Should Be Exhibited**
  - ***Mortenson Broadcasting Co., (Antenna Structure # 1020434) South Charleston, WV. \$10,000 NAL.*** Columbia, MD District Office (7/9/02).
  - ***WPGS, Inc., Titusville, FL. \$10,000 NAL.*** Tampa, FL District Office (7/17/02).
  - ***VoiceStream PCS I License L.L.C., Bellevue, WA. \$10,000 NAL.*** Kansas City, MO District Office (7/24/02).

#### **47 C.F.R. Part 73 – Radio Broadcast Services**

- **47 C.F.R. § 73.49 – AM Transmission System Fencing Requirements**
  - ***WOYK, Inc., York, PA. \$7,000 NAL.*** Philadelphia, PA District Office (7/17/02).
  - ***Metro Birch Enterprises, Inc., KPBA(AM), Pine Bluff, AR. \$17,000 NAL.*** Other violation: 47 C.F.R. § 73.3526 (Local Public Inspection File for Commercial Stations). New Orleans, LA District Office (7/22/02).
- **47 C.F.R. § 73.1125 – Station Main Studio Location**
  - ***New Life Evangelistic Center, Inc., KBIY, Van Buren, MO. \$13,000 NAL.*** Other violation: 47 C.F.R. § 73.3527 (Local Public Inspection File for Noncommercial Educational Stations). Kansas City, MO District Office (7/11/02).
  - ***KGGF-KUSN, Inc., KGGF-FM, Fredonia, KS. \$7,000 NAL.*** Kansas City, MO District Office (7/12/02).
- **47 C.F.R. § 73.1350 – Transmission System Operation**
  - ***Farnell O'Quinn, WUFF, Eastman, GA. \$4,000 NAL.*** Atlanta, GA District Office (7/8/02).

#### **47 C.F.R. Part 95 – Personal Radio Services**

- **47 C.F.R. § 95.411 -- (CB Rule 11) – May I Use Power Amplifiers?**
  - ***Frank Kluz, Lancaster, OH. \$5,000 NAL.*** Detroit, MI District Office (7/23/02).